

Outreach

Spring 2006

Promoting Diversity and Equal Opportunity in New Jersey

by Governor Jon S. Corzine

I am truly humbled and honored to have been entrusted with the Governorship of this great state. As I stated in my inaugural address, I will govern New Jersey as one community with one future. When I took the oath of office, I made a solemn covenant to serve impartially and justly for everyone. I will be true to that covenant and to the citizens of New Jersey.

As Governor, I intend to make a positive difference in the lives of New Jersey citizens. Diversity is our strength and our most precious asset and one which all leaders of business or government must pursue in order to be successful. I intend to lead by example and I believe my cabinet demonstrates my strong commitment to this principle.

I strongly support the full enforcement of the New Jersey Law Against Discrimination (LAD), and I want to ensure that our law protects against all types of discrimination. We are fortunate to have the LAD, which is perhaps the most expansive piece of civil rights legislation in the country.

More and more, we are seeing individuals and families treated differently when trying to buy, rent, lease or sell a home, apartment or property because of their source of income. However, a landlord may not discriminate against a tenant because he or she receives State welfare, child support, or federal Section 8 Rental Assistance or another type of public assistance or housing subsidy. It is illegal for a landlord to subject anyone to more paperwork or stricter credit or income requirements than other applicants.

That is why allegations of housing discrimination in New Jersey will be aggressively investigated by this



Governor Jon S. Corzine

administration. Housing discrimination not only has an adverse impact on the cost of housing, but it is simply wrong, and violators will be penalized. If we are to eliminate prejudice in all of its forms, we in government must make a strong statement that we will not tolerate bias.

The unemployment rate for racial minorities today is more than twice that of white Americans, and the top ranks of corporate America remain almost exclusively white. Plain and simple, the

playing field is not yet level. I have always been an unequivocal supporter of affirmative action and will fight to promote diversity and equal opportunity for all residents of the Garden State.

I am a strong supporter of civil rights for all the people of this state and country. I support the full inclusion of gay and lesbian families in the life of our state and seek equal responsibilities, benefits, and protections for these families. Domestic partnerships can be effective ways to help achieve equal treatment under the law for all citizens. All committed couples who take on the challenges and responsibilities of a long-term relationship should be entitled to the same rights and protections. I support New Jersey's domestic partnership law, and my administration will work to find ways to remove barriers to equality that still exist.

I look forward to working with Attorney General Zulima Farber and Director Vespa-Papaleo of the Division of Civil Rights to create conditions in this State that will foster a more inclusive society, while also protecting our residents by upholding and enforcing our anti-discrimination laws. ▼

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Our Pledge: Ensuring Compliance with the Law Against Discrimination in Housing Sales, Rentals, Rules *by Attorney General Zulima V. Farber*



Attorney General
Zulima V. Farber

As is fitting for a state that enacted one of the nation's oldest and most comprehensive civil rights statutes – the 1945 Law Against Discrimination (LAD) – New Jersey has a rich history of promoting equality in housing.

Of course, even the most substantial laws can be rendered ineffective if not accompanied by public awareness and enforcement efforts that are equally substantial.

As Attorney General, I am committed to working through our Division on Civil Rights to ensure that, through a variety of initiatives, our state's actions on behalf of housing equality are as strong as the LAD itself.

One example: we are vigilant in making certain that multiple-dwelling landlords file an annual report detailing the racial and ethnic composition of their housing applicants and leaseholders. The reports also must include information on the degree of access provided to persons with disabilities. The owner of any apartment building containing 25 or more housing units is obligated to comply with this reporting requirement under the New Jersey Multiple Dwelling Reporting Rule (MDRR).

The MDRR reports enable us to ensure that landlords are opening their buildings to all prospective tenants regardless of race, ethnicity, religion, disability, family status, source of legal income, etc. At the same time, they can help to “red flag” troubling and unlawful housing trends, such as the exclusion of certain categories of tenant (single parents, minorities), or the race-related “steering” of those seeking housing to specific neighborhoods.

In addition to ensuring that landlords comply with the MDRR requirement – those who fail to do so face substantial, state-imposed financial penalties – we have also sent a memorandum this month to all real estate agents, brokers and property owners in New Jersey reminding them of their obligations under both the LAD and the federal Fair

Housing Amendments Act of 1988.

There is no better time than now to remind those in the business of renting and selling property in New Jersey of their legal duty to treat all housing consumers equally.

Among other things, our memorandum reminds real estate agents, landlords and others who deal in the rental or purchase of property that:

- All eligible persons are entitled to equal treatment in the terms, conditions or privileges of the sale or rental of a property.
- It is illegal to tell a prospective buyer or tenant that housing is not available for inspection, sale or rent when, in fact, it is available.
- No discriminatory advertising of any kind relating to the proposed sale or rental of property is permitted, and brokers or salespersons must refuse a listing from any renter or seller who expresses an intention to discriminate.
- Brokers or salespersons must transmit to the seller every written offer he/she receives on a listed property.
- Any provision in a lease or rental agreement that bans pets is not legally applicable to a guide or service dog owned by a tenant who is blind, deaf or who has another qualified disability.

To further generate awareness of the law, and New Jersey's commitment to enforcing it, we have also been airing a radio Public Service Announcement (PSA) in April advising listeners of their housing-related rights, and providing the Division on Civil Rights' **toll-free Housing Discrimination Hotline number, 1-866-405-3050**.

Ideally, reminders and vigorous public awareness efforts by the state — coupled with a commitment to equality from all housing providers — would be sufficient to ensure fair housing practices. But, regrettably, this is not the case. Available evidence suggests that racial, ethnic and other biases continue to occasionally influence the rental and sale of property, as well as the setting of rules for property usage by landlords and owners' associations.

For this reason, we have committed to a vigorous enforcement effort aimed at discouraging discriminatory housing practices and, where appropriate, aggressively investigating and civilly prosecuting those who ignore the law. One of the strategies we employ is the use of undercover housing “testers” — state investigators who typically pose as would-be renters or buyers — to determine if landlords and property sellers are meeting their obligation to treat all housing-seekers equally.

At the same time, we thoroughly investigate all credible allegations of housing discrimination brought to our attention and, where appropriate, civilly prosecute those property sellers and landlords who appear to be breaking the law.

Already in 2006, we are engaged in the civil prosecution of four housing-related discrimination cases. In one case, the state has issued a Finding of Probable Cause against the owners of an apartment complex in Westwood for allegedly discriminating against a single mother with two children on the basis of her race and familial status.

In another case, the state has issued a Finding of Probable Cause against a condominium association in North Plainfield for allegedly discriminating against a condo owner who sought permission to keep a service dog. A heart patient with letters from his cardiologist asserting that he has a disability and that the dog would be significantly therapeutic, the man has been refused an exemption from the association's rule prohibiting pets.

A Finding of Probable Cause does not represent final adjudication of a civil rights complaint. However, it is a determination, based on investigation by the state, that sufficient evidence exists to support a reasonable suspicion the LAD has been violated, and that the matter should proceed to a hearing.

A new frontier for the advertising of available housing — and therefore a potential vehicle for those seeking to discriminate in the renting or selling of property — is the Internet. Recently, the state filed separate housing-

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From the Desk of the Director: Fair Housing: It's Not an Option. It's the Law.



Director J. Frank Vespa-Papaleo

Across the nation and here in New Jersey, Fair Housing Month was a time to focus on one of the most fundamental needs we all have - a roof over our heads and a place to call home. Whether we rent or own in a town, a city, or in a rural community, we all have the right to find a place to dwell without fear of unlawful discrimination clouding the process.

This year, in conjunction with the United States Department of Housing and Urban Development, the Division on Civil Rights marked the 38th anniversary of the federal Fair Housing Act. Our colleagues at HUD have designated this year's theme: "Fair Housing: It's Not an Option. It's the Law."

At the kick-off ceremony in Washington, in April, U.S. HUD Secretary Alphonso Jackson made note of the fact that across the country, housing discrimination complaints alleging discrimination against persons with disabilities is now the most common form of housing discrimination at HUD.

This is consistent with the trends that we have been seeing over the past decade in New Jersey. The percentage of disability-related discrimination cases filed at the Division has increased in 13 of the last 20 years, and for much of the last two decades, disability discrimination remained among the top 2 or 3 most common charges at the Division. Now, as of January 2006, disability discrimination cases comprise 33.2 % of all the charges filed with the Division, making it the number one basis for discrimination complaints filed.

Many believe this trend will continue. In 2000, the U.S. Census Bureau reported that approximately 1.4 million New Jersey

residents were persons with disabilities. Disabilities cut across every aspect of life - people with disabilities are of every race, religion, creed, national origin and sexual orientation.

Through the efforts of the Division's Housing/MDRR Investigations Unit and Disabilities/Public Accommodation Unit, discrimination against persons with disabilities is being tackled at every turn.

In order to address and encourage the increase in housing complaints, the Division has taken a number of steps to get the word out:

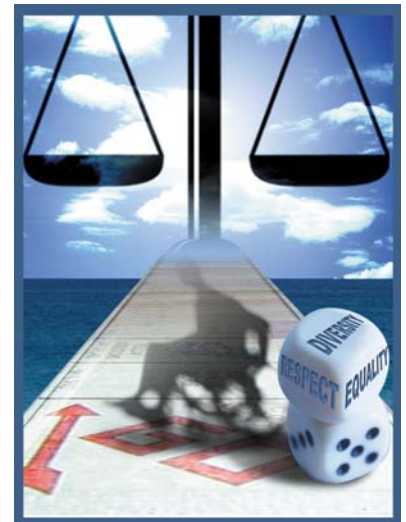
- An open letter to all real estate agents and owners of real property from the Attorney General and the Director has been posted on our Web site, www.NJCivilRights.org, making clear that federal and state laws will be enforced to combat unlawful housing discrimination;
- A free housing discrimination poster is now available for download on our Web site, www.NJCivilRights.org;
- We have established a **toll-free Housing Hotline: 1-866-405-3050**.

Already this year, we have seen an alarming number of new methods of unlawful discrimination develop. Most landlords know that the Division keeps a careful eye on newspaper advertisements for rentals and sales to ensure that no discriminatory behavior is indicated. But until recently, they did not know that we are also keeping an eye on the Internet.

Attorney General Farber recently announced four separate cases of housing discrimination after apartment rental ads were posted on Craigslist.com. These interactive ads indicated a refusal to rent to tenants with children or who were going to use federal rental assistance (Section 8).

Such discrimination has a substantially negative impact on single-parents, women and people of color in New Jersey.

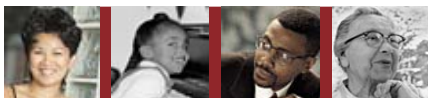
Discrimination occurs in many forms and combating it successfully is the life's work of all those here at the Division on Civil Rights. This spring, we used the window of Fair Housing to fight discrimination in all places including the Internet. As we all know, fair housing is not an option - it's the law. ▼



58TH ANNUAL IAOHRA CONFERENCE FOR CIVIL AND HUMAN RIGHTS PROFESSIONALS: BUILDING THE BOARDWALK TO JUSTICE

**September 12-15, 2006
in Atlantic City**

For more information, please
visit the IAOHRA Web site
www.sso.org/iaohra



Meet First Assistant Attorney General Anne Milgram



The Office of the Attorney General has many new faces in it, and aside from Attorney General Farber, the most visible of them is new First Assistant Attorney General Anne Milgram.

First Assistant Milgram serves as second in command of the Department of Law and Public Safety, serving as Attorney General Farber's top deputy and helping to coordinate policies, operations and investigations in the 9,600-person department. Milgram also oversees the ten divisions within the Department of Law and Public Safety, including the Divisions of Criminal Justice, Law, State Police, Consumer Affairs, Elections, and Civil Rights.

Prior to joining the New Jersey Attorney General's office, Milgram served as a state and federal prosecutor.

She joined the United States Justice Department's Civil Rights Division as a trial attorney in January 2001 where she prosecuted hate crimes, official misconduct, and human trafficking cases. She was special litigation counsel for human trafficking from September 2004 to May 2005. In that role, she prosecuted sex trafficking, forced labor and domestic servitude cases. She also supervised attorneys and advised local, state and federal prosecutors and law enforcement agents. She was awarded the Department of Justice Special Commendation for Outstanding Service in December 2004.

Milgram prosecuted two of the largest international sex trafficking cases and one of the first cases ever under the Trafficking Victims Protection Act of 2000. In United States v. Jimenez Calderon et. al., Milgram prosecuted multiple defendants who lured young Mexican girls to the United States and

forced them through physical violence and threats to engage in prostitution. The women were held captive in a home in Plainfield.

Milgram began her career as a prosecutor in the Manhattan District Attorney's office in September 1997, working as an assistant district attorney in the trial division, and prosecuting domestic violence, child abuse and sexual assault cases as a member of the Domestic Violence Unit.

Milgram graduated summa cum laude from Rutgers College in 1992 with a degree in English and Political Science, and received a master of philosophy in social and political theory in 1993 from the University of Cambridge. She received her law degree from New York University in 1996 and clerked for U.S. District Court Judge Anne E. Thompson in Trenton from 1996 to 1997. ▼

New Jersey Commission on Civil Rights Swears in New Members and Officers

On February 7, the New Jersey Commission on Civil Rights both welcomed new members and elected new officers. At the meeting, the new commission was sworn in by First Assistant Attorney General Anne Milgram.

The new Chairperson of this governmental advisory board is John C. Campbell, of Edison; Nita Raval of Lodi was elected Vice-Chairperson; and Richard T. Smith of Vineland was elected Secretary.

The Commission welcomed two new members, as well: Salena P. Carroll and Clara C. Fernandez, both of Linden, New Jersey.

Chairperson Campbell has made his mark as a civil rights advocate through his efforts to amend the New Jersey Law Against Discrimination to include affectional and sexual orientation as a protected basis and to insure that protection is in force in schools to protect both teachers and students from discrimination, harassment and bullying. He is co-founder of the Gay and Lesbian Political Action and Support Group, which advocates civil and human rights for all citizens and builds bridges to organizations working for basic human rights issues.



from left to right:
Commissioners Kun Y. Lee, Dr. Joan Rivitz, Director Vespa-Papaleo, Chairman John Campbell, First Assistant Attorney General Anne Milgram, Secretary Richard T. Smith, Salena P. Carroll and Clara C. Fernandez

Vice-Chairperson Raval is an attorney in private practice in Hoboken with the Law firm of Sarkisian, Florio, & Kenny. She has litigated various claims involving civil rights and employment issues.

Secretary Smith also serves as President of the NAACP, Greater Vineland Branch #2115 and is active with the Cumberland County Democratic Executive Committee and Vineland Board of Education.

Commissioner Carroll works for Union County as a Domestic Preparedness Planner. In her position, she is responsible

for developing spending plans for Homeland Security and Domestic

Preparedness Grant Funds, she coordinates evacuation and emergency shelter programs for 525,000 residents.

Commissioner Fernandez is the Office Manager for New Jersey's 20th Legislative District in Union, New Jersey. In addition, Commissioner Fernandez is the Liaison between the Hispanic constituency and the legislators.

At the meeting, Director Vespa-Papaleo told the audience, "The Division is looking forward to working with the new Commission. We are grateful to have the input from so many of the state's leading civil rights advocates." ▼

Discrimination vs. Women - Talking about Equal Rights

Over 100 women and men gathered on March 9, 2006 in Nutley for the Division on Civil Rights conference

Discrimination vs. Women: A Conference on Equal Opportunity & Civil Rights.

Attorney General Zulima Farber opened the conference by reminding the audience “how far we have come, and how far we have to go” in achieving equality for women in the workplace. By sharing some personal experiences in her own professional journey she set the stage for an informative and inspiring day.

The day included practical training by Division on Civil Rights staff on the Law Against Discrimination and the NJ Family Leave Act. These training sessions gave a broad overview of the work the Division does and prepared audience members to better serve their constituents and make referrals to the Division.

Elizabeth Grossman, Regional Attorney for the New York office of the U.S. Equal Employment Opportunity Commission (EEOC), delivered the keynote speech. She discussed recent trends in cases at the EEOC with regard to pregnancy discrimination and talked about a sex discrimination case the EEOC settled with Morgan Stanley.

Over lunch, the participants listened to a panel that was moderated by Deborah Jacobs of the NJ ACLU and included Maria Pepe, who broke the gender barrier in Little League 30 years ago, attorney Sharon Price-Cates, president of The Association of Black Women Lawyers of NJ, Inc, Chief Lyn Centonze, of the Fairfield Police Dept., Kay LiCausi, a partner at Mulroy, LiCausi & Gibbs and attorney Kirsten Branigan, an employment lawyer at Fischer, Porter & Thomas. Panel members shared personal experiences of

discrimination, offered practical tips to the audience and left the group feeling inspired to continue their work to end discrimination.

Special thanks to Mayor Joanne Cocchiola for welcoming the conference attendees to Nutley, and to the Women’s Initiative of Nutley for sponsoring the conference with the Division on Civil Rights. The conference was also co-sponsored by the U.S. Equal Employment Opportunity Commission, New Jersey and Nutley Chapters of the League of Women Voters, the National Organization for Women of NJ, American Association of University Women of NJ and the Association of Black Women Lawyers of NJ. ▼

Our Pledge

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related complaints against two New Jersey landlords who were targeted for “testing” on the basis of their ads on a popular Web site.

In one case, in Somerset County, the landlords were charged with violating the LAD for allegedly excluding from consideration potential tenants who have children. In the other, in Bergen County, the landlords were charged with unlawfully turning away prospective tenants who expressed their intention to pay rent via federal Section 8 housing assistance.

In both cases, the Division on Civil Rights filed complaints after undercover state testers answered postings placed at a popular Web site that advertised housing rentals, but indicated that certain prospective tenants would not be considered.

In the Somerset County investigation, two state testers told the landlords by phone that they had children and were allegedly turned away, while a third tester made no

mention of children and was offered the chance to inspect an apartment.

In the Bergen County investigation, two state testers mentioned their plans to pay via Section 8 housing assistance and were allegedly told they were not welcome, while a third state tester made no mention of her source of income and was invited to inspect an apartment.

While these cases have not yet been adjudicated, the alleged conduct at issue is troubling. Under our law, renters or buyers who are otherwise eligible have a right to live where they choose, and to be treated equally in the pursuit of safe, clean, affordable housing.

As Attorney General, it is my commitment to protect this fundamental right. ▼

Want to Stay Informed?

Join Our Mailing List

To make sure you are kept up to date on Division on Civil Rights events, issues and publications, sign up to be on our mailing list online at

www.NJCivilRights.org



Legal Update on LW Bullying Case

In a much-observed case involving the applicability of the Law Against Discrimination to the problem of biased-based bullying in public schools, the Appellate Division of the Superior Court issued its opinion in L.W. and L.G. v. Toms River Regional Schools Board of Education on December 7, 2005. In large part, the decision affirmed the decision of the Director of the Division on Civil Rights, which found that the school district violated the LAD by failing to protect a student from biased-based harassment by other students.

The case involves a student in the Toms River school system, L.W., who had been verbally harassed and was also subjected to physical abuse because of his perceived sexual orientation. While the school district responded to each reported incident of harassment by counseling the students involved, it nonetheless failed to take other proactive measures to ensure that the harassment of L.W. by other students did not recur.

The Appellate Division panel unanimously agreed with the Director that the standards developed under the

LAD to judge cases of hostile work environments should apply in a school setting. It rejected the district's argument that the more stringent "deliberate indifference" standard used in federal Title IX cases should apply.

The Court stated, "we are not convinced that students in our schools are entitled to less protection from unlawful discrimination and harassment under the LAD than individuals in the workplace." A majority of the panel also agreed with the Director that the school district was liable for the harassment because the measures taken in response to the harassment left L.W. exposed to continued, biased-based bullying.

The school district has filed an appeal with the New Jersey Supreme Court. The state has filed its reply and numerous organizations filed as "friend of the court." A link to a copy of the Appellate Division case is available on our Web site at www.NJCivilRights.org.

Future issues of *Outreach* will keep you up to date on this ground-breaking case. ▼

Want to Learn More?

Private Training is Available

The Division on Civil Rights offers Private Training on how to avoid and deal with discrimination.

Contact the Bureau of Prevention and Community Relations at:

- Phone: 1-800-830-0647
- TTY: (609) 292-1785
- Fax: (609) 777-0466
- e-mail: DCRTraining@njcivilrights.org

Register on the Web at:
www.NJCivilRights.org

NJ to Host Major International Human Rights Conference

As the world was still healing from World War II, a group of human rights agencies from around the globe gathered in 1949 to establish the International Association of Official Human Rights Agencies (IAOHRA). Now, 58 years after its establishment, IAOHRA's members and human and civil rights experts from around the nation and world will be gathering in September in Atlantic City for the first time; and the NJ Division on Civil Rights is hosting the event.

The conference will be held at the Trump Plaza in Atlantic City from September 12 - 15, 2006. It will bring together civil and human rights agencies and experts from

across the United States, Canada, and other parts of the world. The conference will assemble heads of international, federal, state, county, and municipal human and civil rights agencies to focus on the challenges of the new millennium, and provide a forum for colleagues in the field of human rights to compare approaches, discuss issues and establish cooperative initiatives. It is a unique opportunity to learn and exchange ideas.

If you would like to know more about the conference, please contact NJ Civil Rights Commissioner Dr. Joan Rivitz, who will be serving as a Co-Chair of the Host Conference Planning Committee. Dr. Rivitz

may be contacted at DrJoanR@aol.com or at (201) 265-1974. In the meantime, please feel free to peruse the IAOHRA Web site, www.sso.org/iaohra.

The Division is proud to be a member of this dynamic organization and to host its conference this year. In 2005, New Jersey Division on Civil Rights Director J. Frank Vespa-Papaleo was elected to the board of IAOHRA. ▼

Division on Civil Rights Celebrates Black History Month



On February 28, the Division on Civil Rights paid tribute to Black History Month with a special event at NJN Studios in Trenton. The event was organized by Assistant Director Philip Freeman, who was also master of ceremonies, and it was an overwhelming success. In attendance were Attorney General Zulima V. Farber, Secretary of State Nina Mitchell Wells and members of the Commission on Civil Rights. The program included the reading of a poem written for the occasion by third grade student Branden Isaiah William Phillips, remarks by Mrs. Fannie Chaney, mother of slain civil rights worker James Chaney, and the music of Camden's Creative Arts High School Jazz Ensemble. It was a memorable and moving event, doing justice to the event's title: **A Celebration to Honor the Past, Present & Future of African-American Heritage.**



Two Generations of Living African-American History:

Third grade student poet Branden Isaiah William Phillips, who captivated the audience with words of insight well beyond his years, speaking with Mrs. Fannie Chaney, the mother of slain civil rights worker James Chaney. Mrs. Chaney spoke about the struggle, triumphs and tragedies of the civil rights movement in the Sixties and the continuing work towards equal treatment.

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Department of Law & Public Safety

Division on Civil Rights


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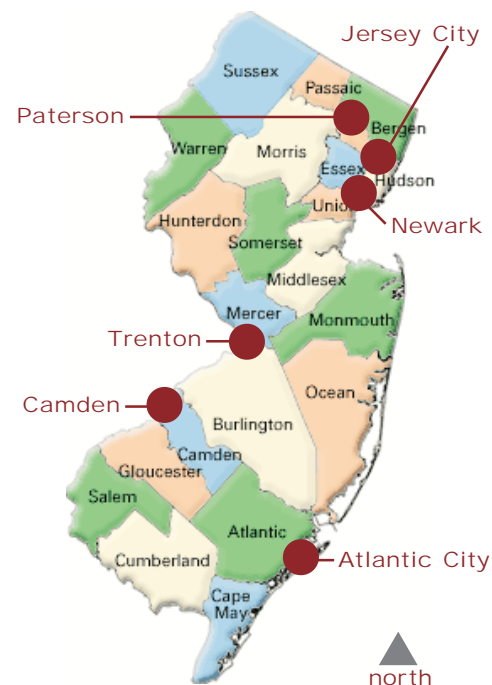
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Next issue preview:

IAOHRA Conference Edition

including

**New Regulations on Pre-Employment Inquiries and
Discriminatory Advertising**